THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.6821 of 2001

DATED: 26.07.2007

Between:

Gunda Rama Murthy.

.. Petitioner

And

The Government of A.P. rep. by its Secretary,
Panchayat Raj Department, Hyderabad,
and others.

.. Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.6821 of 2001

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in not considering and paying the compensation in respect of the petitioner's land to an extent of 31 guntas in Sy.No.86 and 01 gunta in Sy.No.85 sitated at Venkatadripalem village, Miryalaguda Mandal, Nalgonda District pursuant to the directions of the Hon'ble Supreme Court in CA.No.7469-7470 of 1999 as illegal and arbitrary, and consequently direct the respondents to pay the compensation to the petitioner with all consequential benefits.

The case of the petitioner is that he is the owner of an extent of 01 acre 16 guntas in Sy.No.86 and 06 guntas in Sy.No.85 situated at Venkatadripalem Village, Miryalguda Mandal, Nalgonda District and he purchased the said land through a registered sale deed in the year 1973 from the previous vendor. During the year 1980-81, the fourth respondent laid a Panchayat Raj road passing through the land of the petitioner, thereby depriving him of an extent of 32 guntas of which 31 guntas in sy.no.86 and 01 gunta in sy.no.85 of his right to cultivate and enjoyment of the land.

The grievance of the petitioner is that at the time of formation of the road, the respondents have not taken his consent nor they have initiated the acquisition proceedings. Further, the petitioner submits

that even though he got issued a legal notice through his advocate on 20.07.1989 and also on 30.01.1991, there was no response from the respondents. Even though the respondents have deputed the Deputy Mandal Surveyor to inquire into the matter and measure the land belonging to the petitioner that has come under the road formation, no action was taken for paying the compensation. Thereafter, the petitioner made further representations on 08.04.1991 and also on 25.01.1992 to the second respondent and when there was no action by the respondents with regard to the payment of compensation, he approached this Court and filed W.P.No.10665 of 1993, wherein this Court directed the respondents to pay the compensation to him. Against the said order, the respondents preferred an appeal before the Hon'ble Supreme Court, and ultimately, the Hon'ble Supreme Court by an order dated 10.12.1999 disposed of the said appeal in CA.No.7469-7470/99 observing as follows:-

> "The judgments passed by the High Court in W.P.No.10665/93 and 10193/93 are set aside. We, however, observe that in case the writ petitioners are able to prove that they have not voluntarily given up the land and that the possession of the land was forcibly taken over by the State Govt., the State Govt. may consider giving compensation to the respondents. We have made this observation in view of the peculiar facts and circumstances of these cases and therefore, these observations should not be treated as having been made for the benefit of all similarly situated persons."

Now, the main grievance of the petitioner is that his lands were acquired forcibly for formation of the Panchayat Raj road from Venkatadripalem Village to Dilawarpur, and in that context, as directed by the Supreme Court, he gave a representation on 22.4.2000 and on

08.05.2000, however, the respondents have not passed any order and hence, he approached this Court and filed the present writ petition.

Heard the learned counsel for the petitioner and the Government Pleader for Panchayat Raj & Rural Development for the respondents.

Without expressing any view as to whether the land was voluntarily surrendered or a forcible acquisition, the respondents are hereby directed to consider the said representation, make an enquiry and pass appropriate orders keeping in mind the judgment of the Supreme Court dated 10.12.1999. The said exercise shall be done within a period of four week from the date of receipt of a copy of this order.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

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(GOPALA KRISHNA TAMADA,J)

Dt.26.07.2007
v v